

1 BILL NO. R-80-10- 41

2 RESOLUTION NO. R-

93-80

3  
4 A RESOLUTION finding, determining and  
5 ratifying an Inducement Resolution of  
6 the Fort Wayne Economic Development Com-  
7 mission authorizing the issuance and sale  
8 of \$400,000.00 Economic Revenue Bonds of  
9 the City of Fort Wayne, Indiana, for the  
purpose of inducing the Applicant, Wayne  
Metal Protection Company, Inc. to proceed  
with the acquisition, construction and  
equipping of the Project.

10 WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer")  
11 is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue  
12 bonds for the financing of economic development facilities, the  
13 funds from said financing to be used for the acquisition, con-  
14 struction and equipping of said facilities, and said facilities  
15 to be either sold or leased to another person or directly owned  
16 by another person; and

17 WHEREAS, Wayne Metal Protection Company, Inc. (the  
18 "Applicant") has advised the Fort Wayne Economic Development  
19 Commission and the Issuer that it proposes that the Issuer  
20 lease the same to the Applicant or loan proceeds of an economic  
21 development financing to the Applicant for the same, said eco-  
22 nomic development facility to be a waste treatment equipment  
23 and a building to contain same at 1511 Wabash Avenue, Fort  
24 Wayne, Indiana (the "Project"); and

25 WHEREAS, the diversification of industry and an increase  
26 in approximately one job opportunity to be achieved by the ac-  
27 quisition, construction and equipping of the Project will be  
28 of public benefit to the health, safety and general welfare  
29 of the Issuer and its citizens; and

30 WHEREAS, having received the advice of the Fort Wayne  
31 Economic Development Commission, it would appear that the fi-  
32 nancing of the Project would be of public benefit to the

health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$400,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement


the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolution and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this Inducement Resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.



COUNCILMAN

APPROVED AS TO FORM AND  
LEGALITY OCTOBER 22, 1980.

  
JOHN E. HOFFMAN  
City Attorney

Read the first time in full and on motion by Star, seconded by Star, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, 19\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 10-28-80

Charles W. Westerman  
CHARLES W. WESTERMAN  
CITY CLERK

Read the third time in full and on motion by Star, seconded by Star, and duly adopted, placed on its passage. PASSED (lost) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u>      </u>	<u>      </u>	<u>1</u>	<u>      </u>
<u>BURNS</u>	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>EISBART</u>	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>GIAQUINTA</u>	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>NUCKOLS</u>	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>SCHMIDT, D.</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>X</u>	<u>      </u>
<u>SCHMIDT, V.</u>	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>SCHOMBURG</u>	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>STIER</u>	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>TALARICO</u>	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>

DATE: 11-25-80

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. R-93-80 on the 25th day of November, 1980.

ATTEST:

(SEAL)

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Vivian H. Schmidt  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of November, 1980, at the hour of 2:30 o'clock P. M., E.S.T.

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 4th day of December 1980, at the hour of 10:30 o'clock A. M., E.S.T.

Winfield C. Moses, Jr.  
WINFIELD C. MOSES, JR.  
MAYOR

11/25/80

BILL NO. R-80-10-41

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN  
ORDINANCE finding, determining and ratifying an Inducement Resolution  
of the Fort Wayne Economic Development Commission authorizing  
the issuance and sale of \$400,000.00 Economic Revenue Bonds  
of the City of Fort Wayne, Indiana, for the purpose of inducing  
the Applicant, Wayne Metal Protection Company, Inc. to proceed  
with the acquisition, construction and equipping of the Project

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JAMES S. STIER, CHAIRMAN

MARK GLAQUINTA, VICE CHAIRMAN

BEN EISBART

PAUL M. BURNS

DONALD J. SCHMIDT

*Just*  
*Mark C. Glacinta*  
*B. Eisbart*  
*Paul M. Burns*

11-25-80  
DATE CONCURRED IN  
CHARLES W. WESTERMAN, CITY CLERK

RESOLUTION OF  
FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION  
ON APPLICATION OF

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by Indiana Code 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to the user or developer; and

WHEREAS, Wayne Metal Protection Company, <sup>Inc.</sup>, (the "Applicant"), has advised the Fort Wayne Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer acquire and equip an economic development facility and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be waste treatment equipment and a building to contain same at 1511 Wabash Avenue, Fort Wayne,

(the "Project"); and

WHEREAS, the diversification of industry and increase in job opportunities to be achieved by the acquisition of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens or the citizens of Allen County, Indiana; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in Allen County:

NOW, THEREFORE, BE IT RESOLVED by the Commission as follows:

1. The Commission hereby finds and determines that the promotion of diversification of economic development and job opportunities in Fort Wayne, Indiana, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer, and that it is in the public interest that the Commission and the Issuer take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer.

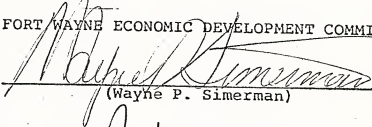
2. The Commission hereby finds and determines that the issuance and sale of economic development revenue bonds in an amount of approximately \$400,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant, will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Commission hereby finds and determines that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds.

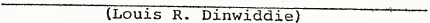
4. All costs of the Project which may be financed under the Act will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will sell or lease the same to the Applicant or loan the proceeds from the sale of the bonds to the Applicant for the same purposes.

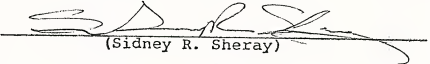
Adopted this 16 day of October, 1980.

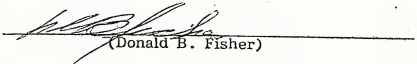
FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION

  
(Wayne P. Simerman)

  
(Jack Green)

  
(Louis R. Dinwiddie)

  
(Sidney R. Sheray)

  
(Donald B. Fisher)



REPORT OF THE FORT WAYNE ECONOMIC DEVELOPMENT  
COMMISSION CONCERNING THE PROPOSED FINANCING  
OF ECONOMIC DEVELOPMENT FACILITIES FOR  
WAYNE METAL PROTECTION COMPANY, INC.

Having been furnished certain data by the above applicant, and having had discussions with representatives of said applicant, the Fort Wayne Economic Development Commission now submits the following report pursuant to Indiana Code 18-6-4.5-16.

Description of Proposed Facilities

Waste treatment equipment and a building to contain same at

1511 Wabash Avenue, Fort Wayne.

Estimate of Public Services Required

All public services, including water and sewage, now exist. No public facilities will be made necessary on account of the proposed facilities.

Total Project Cost

The total project cost for the purchase, construction and equipping of the facilities is estimated to be \$ 400,000.00, including costs of issuance of the economic development revenue bonds.

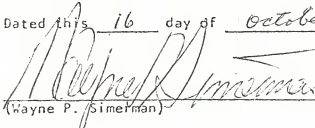
Number of Jobs and Estimated Payroll

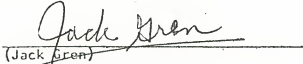
It is anticipated there will be approximately one new job created by this project with an estimated payroll increase of approximately \$13,000.00 annually. Project will protect against loss of an existing payroll of +400,000 annually.

Adverse Competitive Effect

The construction of the facilities will not have an adverse competitive effect on any similar facilities already constructed or operating in or near Fort Wayne, Indiana.

Dated this 16 day of October, 1980.

  
(Wayne P. Simerman)

  
(Jack Green)

  
(Louis R. Dinwiddie)

  
(Sidney R. Sheray)

  
(Gerald Bickel)

## Memorandum

To John Hoffman, City Attorney Date 10/1/80  
From Frank W. Heyman, City Controller  
Subject EDC Application for Wayne Metal Protection Co., Inc.

COPIES TO:

I have reviewed the application and financial statements of the above named applicant.

I find no problems with these documents which should deter action by the Commission.

FWH/kme

## Memorandum

To Economic Development Commission Date 10/8/80  
From Kathy Moses *X M*  
Subject Staff Report for Wayne Metal Protection Company, Inc., \$400,000 Bond

COPIES TO:

The Environmental Protection Agency issued pretreatment standards for electroplaters in September, 1979. Installation of required pollution control devices will allow electroplating firms to continue operations. In this particular case, the company's inner city location makes it an important economic resource in the City's inner core. Both physical facilities and job opportunities will be enhanced. The Allen County Overall Economic Development Program does call for retention of Central City industries. One new job will be created by this \$400,000 project.

This project is consistent with the policies and strategies of the forthcoming Comprehensive Plan. The Plan Commission has already rezoned the site and the project is compatible with existing land uses. Furthermore, it does not establish an undesirable land use precedent.

Though the M2 zoning is appropriate for the intended use, the property is subject to the following condition:

The petitioner (Wayne Metal Protection Company, Inc.) will buffer the residential property to the west by means of a 6' landscape or other decorative screen. The work will be complete within six months after building permits are granted for the erection of an industrial use. (See attachments.)

jg

Attachments



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

October 21, 1980

Mr. John Hoffman  
City Attorney  
1212 Anthony Wayne Bank Building  
Fort Wayne, IN 46802

Re: Wayne Metal Protection Co., Inc.  
1511 Wabash Avenue

Dear Mr. Hoffman:

This letter is to confirm the M-2 General Industry zoning designation for Lots 38 thru 41 in Whites Second Addition on Dubois Street.

The Plan Commission conditioned the Do Pass recommendation with: The petitioner shall submit a restrictive covenant stating that he will buffer the residential property to the west by means of a 6' landscape or other decorative screen.

Sincerely,

Bob Woenker

BW:kas

LAW OFFICES

ROTHBERG, GALLMEYER, FRUECHTENICHT & LOGAN

SOL ROTHBERG  
GEORGE E. FRUECHTENICHT  
THOMAS D. LOGAN  
PHILLIP E. GUTMAN  
JOHN H. HEINEY  
VERN E. SHELDON  
DONALD M. AIKMAN

MARTIN T. FLETCHER  
DAVID A. TRAVELSTAD  
RICHARD D. ROBINSON  
THOMAS M. GALLMEYER  
RICHARD E. FOX  
RICHARD H. BLAICH  
F. L. DENNIS LOGAN

AREA CODE 219  
TELEPHONE 422-9454

INDIANA BANK BUILDING  
FORT WAYNE, INDIANA  
46802

THOMAS A. GALLMEYER  
2<sup>ND</sup> COUNSEL

November 12, 1980

Mr. Jimmy Stier  
3404 Congress Avenue  
Fort Wayne, Indiana 46806

Re: R-80-10-41 An Economic Development Bond  
Inducement Resolution for  
Wayne Metal Protection Company,  
Inc.

Dear Mr. Stier:

This office serves as legal counsel for Wayne Metal Protection Company, Inc. It is our understanding that the above-captioned bill was introduced during the course of a previous Fort Wayne Common Council meeting. It is also our understanding that this bill will be discussed during the course of the Finance Committee meeting presently scheduled for November 18, 1980. In the event, however, that said bill is not presently on the Finance Committee's agenda for its November 18, 1980 meeting, I would request that it be placed on that agenda if possible.

It is our hope that at the November 18 meeting, this project can be fully explained to the members of the Common Council and all questions concerning same can be answered, so that the Council can be in a position to take whatever action it deems appropriate regarding this bill at its earliest opportunity.

Thank you for your consideration in this matter. I remain,

Very truly yours,

ROTHBERG, GALLMEYER,  
FRUECHTENICHT & LOGAN

Richard E. Fox

REF:rmb

cc: Mr. Charles W. Westerman,  
City Clerk

5049

DIGEST SHEET

80-10-41

TITLE OF ORDINANCE: Inducement Resolution for an issue of \$400,000.00

DEPARTMENT REQUESTING ORDINANCE: Economic Development Commission

SYNOPSIS OF ORDINANCE: A waste treatment equipment and a building to  
contain same at 1511 Wabash Avenue, Fort Wayne, Indiana on application  
of Wayne Metal Protection Company, Inc.

EFFECT OF PASSAGE: Construction of a building to contain waste treatment  
equipment creating one new job with an estimated payroll of approxi-  
mately \$13,000.00.

EFFECT OF NON-PASSAGE: None of the above.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): None.

ASSIGNED TO COMMITTEE: Finance